

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

NATHAN R. STEWART and TODD B.)	Civil Action No.: 1:15-cv-01083
SIMPSON, on behalf of themselves and)	
others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	
)	
COUCH, CONVILLE & BLITT LLC,)	
)	
Defendant.)	

**RESPONSE TO MAY 19, 2015 ORDER TO SHOW CAUSE WHY CLAIMS AGAINST
DEFENDANT SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

1. On May 19, 2015, this Court issued an order directing Plaintiffs to show cause as to why their claims against Defendant should not be dismissed for failure to prosecute in accordance with Rule 41 of the Federal Rules of Civil Procedure. *See* Doc. 9.

2. Plaintiffs respond as follows.

3. On April 13, 2015, Plaintiffs filed their class action complaint against Defendant. *See* Doc. 1.

4. On May 6, 2015, Defendant requested that Plaintiffs agree not to oppose an extension of time—up to and until June 11, 2015—to answer or respond to their class action complaint.

5. Plaintiffs agreed not to oppose an extension, against the backdrop of Defendant’s suggestion that it is likely interested in resolving this matter.

6. Plaintiffs additionally understand from Defendant that it is still in the process of retaining counsel in this matter.

7. Therefore, if Defendant has not retained counsel and filed an answer or response to Plaintiffs' class action complaint on or before June 11, 2015, Plaintiff will move for default within seven days thereafter—or by June 18, 2015.

8. Accordingly, Plaintiffs respectfully request that this Court discharge its May 19, 2015 order to show cause.

Date: May 22, 2015

Respectfully Submitted,

/s/ Aaron D. Radbil

Aaron D. Radbil

Greenwald Davidson Radbil PLLC

106 East Sixth Street

Austin, Texas 78701

Phone: (512) 322-3912

Fax: (561) 961-5684

aradbil@gdrllawfirm.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was file electronically on May 22, 2015, via the Court Clerk's CM/ECF system, which will provide notice to all counsel of record.

/s/ Aaron. D. Radbil

Aaron D. Radbil